

## CHAPTER 94

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**EARLY CHILDHOOD PROGRAMS AND SERVICES**


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**SENATE BILL 23-216**

BY SENATOR(S) Bridges and Zenzinger, Kirkmeyer, Buckner, Coleman, Cutter, Exum, Fields, Ginal, Gonzales, Hansen, Hinrichsen, Jaquez Lewis, Kolker, Moreno, Mullica, Priola, Roberts, Sullivan, Winter F., Fenberg;  
 also REPRESENTATIVE(S) Sirota and Bockenfeld, Bird, Amabile, Bacon, Boesenecker, Brown, Daugherty, deGruy Kennedy, Froelich, Garcia, Gonzales-Gutierrez, Hamrick, Jodeh, Joseph, Lieder, Lindsay, Lindstedt, Lukens, Mabrey, Marshall, Martinez, McLachlan, Michaelson Jenet, Ortiz, Parenti, Ricks, Sharbini, Snyder, Story, Titone, Valdez, Vigil, Weissman, Willford, Woodrow, Young, McCluskie.

**AN ACT**
**CONCERNING FUNDING TO THE DEPARTMENT OF EARLY CHILDHOOD FOR THE COLORADO  
 UNIVERSAL PRESCHOOL PROGRAM.**

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** In Colorado Revised Statutes, 26.5-4-204, **add** (6) as follows:

**26.5-4-204. Colorado universal preschool program - created - eligibility - workforce development plan - program funding - rules.** (6) TO PRESERVE THE GENERAL ASSEMBLY'S HISTORIC COMMITMENT TO PRESCHOOL PROGRAM FUNDING, THE GENERAL ASSEMBLY SHALL APPROPRIATE TO THE DEPARTMENT FOR THE COLORADO UNIVERSAL PRESCHOOL PROGRAM:

(a) FOR THE 2023-24 FISCAL YEAR, AN AMOUNT AT LEAST EQUAL TO THE DIFFERENCE BETWEEN THE AMOUNT OF THE STATE SHARE OF TOTAL PROGRAM CALCULATED PURSUANT TO ARTICLE 54 OF TITLE 22 FOR THE 2022-23 BUDGET YEAR, AFTER APPLICATION OF THE BUDGET STABILIZATION FACTOR AND AFTER ANY MID-YEAR ADJUSTMENT, AND THE AMOUNT THAT THE STATE SHARE OF TOTAL PROGRAM, AFTER APPLICATION OF THE BUDGET STABILIZATION FACTOR AND AFTER ANY MID-YEAR ADJUSTMENT, WOULD BE FOR THE 2022-23 BUDGET YEAR IF CALCULATED WITHOUT INCLUDING THE STATEWIDE PRESCHOOL PROGRAM ENROLLMENT, AS DEFINED IN SECTION 22-54-103, FOR THE 2022-23 BUDGET YEAR AND THE NUMBER OF THREE- AND FOUR-YEAR-OLD PUPILS WITH DISABILITIES RECEIVING AN EDUCATIONAL PROGRAM UNDER THE "EXCEPTIONAL CHILDREN'S EDUCATIONAL ACT", ARTICLE 20 OF TITLE 22, FOR THE 2022-23 BUDGET YEAR.

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

(b) FOR THE 2024-25 FISCAL YEAR, AND EACH FISCAL YEAR THEREAFTER, AN AMOUNT AT LEAST EQUAL TO THE AMOUNT DESCRIBED IN SUBSECTION (6)(a) OF THIS SECTION INCREASED ANNUALLY BY THE RATE OF INFLATION.

**SECTION 2.** In Colorado Revised Statutes, 26.5-4-209, **amend** (1) as follows:

**26.5-4-209. Preschool programs cash fund - created - use.** (1) (a) The preschool programs cash fund is hereby created in the state treasury. The fund consists of money credited to the fund pursuant to section 24-22-118 (2), money transferred to the fund pursuant to section 39-28-116 (6), ~~money annually transferred to the fund as provided in subsection (1)(b) of this section,~~ and any additional money the general assembly may appropriate or transfer to the fund. The state treasurer shall credit all interest and income derived from the deposit and investment of money in the preschool programs cash fund to the fund. The general assembly shall annually appropriate money in the preschool programs cash fund to the department to implement the preschool program.

~~(b) (I) For the 2023-24 fiscal year, the general assembly shall transfer to the preschool programs cash fund from the general fund or the state education fund created in section 17 of article IX of the state constitution an amount equal to the difference between the amount of the state share of total program calculated pursuant to article 54 of title 22 for the 2022-23 budget year, after application of the budget stabilization factor and after any mid-year adjustment, and the amount that the state share of total program, after application of the budget stabilization factor and after any mid-year adjustment, would be for the 2022-23 budget year if calculated without including the statewide preschool program enrollment, as defined in section 22-54-103, for the 2022-23 budget year and the number of three- and four-year-old pupils with disabilities receiving an educational program under the "Exceptional Children's Educational Act", article 20 of title 22, for the 2022-23 budget year.~~

~~(II) For the 2024-25 fiscal year and for each fiscal year thereafter, the general assembly shall annually transfer to the preschool programs cash fund from the general fund or the state education fund created in section 17 of article IX of the state constitution an amount equal to the amount described in subsection (1)(b)(I) of this section increased annually, beginning in the 2024-25 fiscal year, by the rate of inflation.~~

**SECTION 3. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 20, 2023